



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,066	01/31/2002	Robert W. Aukerman	P 1028.11004	2497
30615	7590	04/18/2005		EXAMINER
BIRDWELL & JANKE, LLP 1100 SW SIXTH AVENUE SUITE 1400 PORTLAND, OR 97204			LIANG, LEONARD S	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/066,066	AUKERMAN, ROBERT W.
	Examiner Leonard S. Liang	Art Unit 2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 March 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2,4-6,8 and 15-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 8 is/are allowed.  
 6) Claim(s) 15,16,18,24,25 and 27 is/are rejected.  
 7) Claim(s) 2, 4-6, 17, 19-23, 26, and 28 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)  
 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5)  Notice of Informal Patent Application (PTO-152)  
 6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

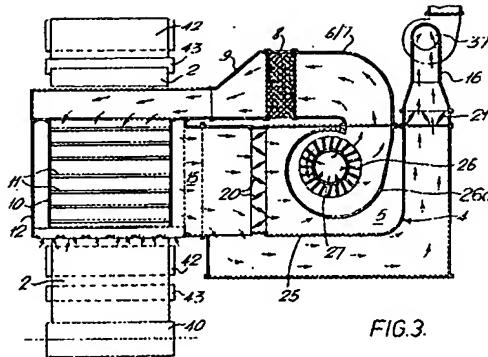
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-16, 18, 24-25, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Mallinson (US Pat 4233901).

Mallinson discloses:

- {claim 15} An ink drying system for high speed printing on a traveling sheet of material, the system being coupled to a source of pressurized gas (figure 3, 7; column 1, line 55-column 3, line 48); a first plenum disposed so as to extend over the sheet and define a first drying portion of the first plenum for directing the gas through the first plenum onto the sheet (figure 3, reference 10); a first fluid flow valve for varying the flow rate of the gas through the first plenum (column 3, lines 30-48); a controller for receiving first information for determining a drying energy required of the first drying portion for drying ink deposited on the sheet and automatically controlling the first fluid flow valve in response to the first information, for causing the drying (abstract; column 1, line 55-column 2, line 49; column 3, lines 30-48)



- {claims 25, 27} at least one ink jet printhead for depositing the ink, wherein the first information includes the amount of ink deposited by the at least one ink jet printhead (column 1, lines 5-20; column 1, line 55 – column 3, line 48)

*Allowable Subject Matter*

Claim 8 is allowed.

Claims 2, 4-6, 17, 19-23, 26, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 17 discloses “comprising at least a second plenum disposed so as to extend over the sheet and define a second drying portion of said second plenum for directing gas through said second plenum onto the sheet, a second fluid flow valve for varying the flow rate of the gas through said second plenum, wherein said controller is adapted to receive second information for determining the drying energy required of said second drying portion and to automatically control said second fluid flow valve in response to said second information, for drying ink deposited on the sheet,” which was not found, taught, or disclosed in the prior arts.

Claim 19 discloses “providing at least a second plenum disposed so as to extend over the sheet and define a second drying portion of said second plenum for directing the gas through said second plenum onto the sheet, receiving second information for determining the drying energy required of said second drying portion, and automatically controlling the flow rate of the gas through said second plenum in response to said second information for drying ink deposited on the sheet,” which was not found, taught, or disclosed in the prior arts.

All other objected claims depend from objected claims 17 and 19.

***Response to Arguments***

Applicant's arguments filed 03/17/05 have been fully considered but they are not persuasive.

The examiner would first like to remind the applicant that claims must be given their broadest reasonable interpretation consistent with the supporting description (*In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000)).

The applicant argues, "However, the valve 22 does not regulate the flow of pressurized air." Here, the applicant is trying to argue that valve 22 regulates atmospheric air, and not pressurized air. However, just because Mallinson discloses a separate source of pressurized gas does not imply that the atmospheric air that passes through valve 22 cannot be considered pressurized gas as well. If the air passing through the valve 22 were not pressurized, there would be no need for the valve 22. The examiner believes that the applicant is improperly narrowing the scope of the claimed invention by implying that valve 22 cannot be used to regulate pressurized air.

The applicant further argues, "It is apparent from the modes of operation that Mallinson is not proposing to vary the total amount of drying air that is applied to the web or sheet. Rather, Mallinson proposes to control, through use of the valves (20), (21), and (22), the relative proportions of fresh air and recirculated air that is used in the airstream used for drying." Again, the applicant seems to be trying to limit the scope of the claimed invention. Without admitting to whether the applicant's arguments are correct, the examiner would like to note that the currently

claimed invention has no mention of varying “total amount of drying air”. This is a limitation that the applicant is trying to read in to the claimed invention. Thus, the applicant’s arguments are moot with respect to this point because they do not pertain to the currently claimed invention.

The examiner would like to draw the applicant’s attention to Mallinson column 1, lines 5-15. Mallinson discloses “there is a different amount of ink printed onto the web...It is, of course, important that the printing ink is dry before the printed web is allowed to pass...” The applicant has gone to great lengths to characterize the invention of Mallinson as being directed to controlling L.E.L. levels as opposed to controlling airflow. However, Mallinson discloses the relationship of controlling L.E.L. levels to dry different amounts of ink printed on the web. There is an integral connection between the amount of ink on a web and the amount of drying needed.

Based on a broad reading of the claimed invention, the examiner maintains that a reasonable interpretation of Mallinson can be made read on the claimed invention. The valve 22 is an integral part of providing air to dry the web. The examiner does not believe that the applicant can separate it out based on the current claimed invention.

All other arguments are viewed to stem from the argument above. Thus, all arguments are now considered responded to.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard S. Liang whose telephone number is (571) 272-2148. The examiner can normally be reached on 8:30-5 Monday-Friday.

Art Unit: 2853

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lsl 15L

04/13/05

*ms*  
MANISH S. SHAH  
PRIMARY EXAMINER

4/14/05